

U.S. Patent Application Serial No. 10/588,796
Amendment filed October 30, 2008
Reply to OA dated August 4, 2008

REMARKS

Claims 1-5 are pending in this application. Claims 1-3 are canceled without prejudice or disclaimer, and claims 4 and 5 are amended herein. Upon entry of this amendment, claims 4 and 5 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is detailed below.

Claims 1-3 are rejected under 35 U.S.C. §102(b) as being anticipated by Suzuki et al. (U.S. Patent No. 5,604,080). (Office action paragraph no. 2)

The rejection is moot in view of the cancellation of claims 1-3 without prejudice or disclaimer.

Claims 4 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al. (U.S. Patent No. 5,604,080) in view of Takao and Minoru (JP 2003-149475). (Office action paragraph no. 5)

Reconsideration of the rejection is respectfully requested in view of the amendments to claims 4 and 5. Claims 4 and 5 have each been amended from dependent to independent by incorporating the limitations of the base claims, specifically, the recitation of claim 1 for the photocurable resin composition. In addition, claims 4 and 5 have been amended to recite that the

photocurable resin composition "does not contain any organic acid salt of melamine." Support for this amendment may be found in the fact that the present specification does not mention an organic salt of melamine as a possible component in the photocurable resin composition (the term "melamine" does not occur in the specification), and, correspondingly, none of the Production Examples on pages 20-22 of the specification includes any organic acid salt of melamine.

The Examiner cites JP '475 for disclosing a resin composition containing carboxylic acid (A), a diluent (B) and a photopolymerization initiator, in paragraph [0005]. The Examiner states that the composition can also contain epoxy resins, citing paragraph [0023], stating "which is substantially similar to the composition of the claimed invention." The Examiner states that "it would have been obvious to use the coating composition taught by Suzuki, for a layer in the optical waveguide taught by Takao and Minoru, to arrive at the claims of the instant application."

However, the photocurable and thermosetting coating composition of Suzuki et al. contains an "organic acid salt of melamine" as an essential component (see abstract, column 2, lines 28-40, etc.). The amendments to claims 4 and 5 therefore distinguish these claims from Suzuki et al., which is cited to provide the resin composition in the rejection.

Moreover, the use of the photocurable and thermosetting coating composition of Suzuki et al. cannot achieve the formation of an optical waveguide with excellent properties, as in the present invention. The photocurable and thermosetting coating composition of Suzuki et al. would not achieve excellent processability and mechanical properties, which are achieved in the optical waveguide-forming photocurable resin composition of the present invention.

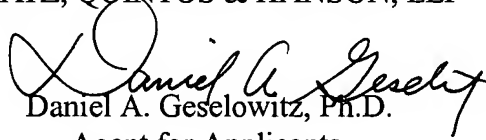
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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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